

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHAKER HEIGHTS TAXPAYERS UNION,	:	Case No. 12-CV-01783
<i>et al.,</i>	:	
	:	
Plaintiffs,	:	Judge Boyko
	:	
	:	
-vs-	:	
	:	
CITY OF SHAKER HEIGHTS, OHIO, <i>et al.</i>,	:	JOINT MOTION FOR APPROVAL
	:	AND ENTRY OF CONSENT
Defendants.	:	PERMANENT INJUNCTION
	:	ORDER

Plaintiffs Shaker Heights Taxpayers Union (“SHTU”) and Mark Zetzer, and Defendants City of Shaker Heights, Ohio and William Gruber (collectively “the City”), respectfully move this Court to approve and enter the Consent Permanent Injunction Order attached to this Motion. The Consent Order is intended to address all of the Plaintiffs’ claims except with respect to their claims for nominal damages and attorneys fees. The parties believe the terms of the Consent Permanent Injunction Order are fair and reasonable and accordingly urge this Court to approve them and enter the Order.

FACTUAL BACKGROUND AND CLAIMS

This action arises from a dispute over the Plaintiffs’ use of a logo that is intended as a parody of the City’s trademarked logo. (A copy of the SHTU Logo is attached.)

Plaintiffs filed a Complaint, as well as a Motion for Temporary Restraining Order and Preliminary Injunction seeking an order enjoining the City from “instituting threats, intimidation, and retaliation in response to Plaintiffs’ legitimate exercise of their constitutional rights through use of the SHTU Logo and otherwise.”

Defendants have since advised the Plaintiffs that the City has agreed that Plaintiffs may use the SHTU Logo for any non-commercial purposes and that the City will take no action which

interferes in any way with the Plaintiff's non-commercial use of the SHTU Logo regardless of any text accompanying the logo.

The parties have acknowledged that such an agreement would resolve all of the issues raised by the Plaintiffs' Complaint except for Plaintiffs' claims for nominal damages and attorneys' fees. The parties have agreed to present the Court with an agreed consent judgment under cover of a motion requesting the Court's approval and entry.

THE TERMS OF THE PARTIES' AGREEMENT ARE FAIR AND REASONABLE

By agreeing that Plaintiffs may use the SHTU Logo for any non-commercial purposes and that the City will take no action which interferes in any way with the Plaintiff's non-commercial use of the SHTU Logo regardless of any text accompanying the logo, the parties have addressed and resolved the main substantive allegations in the Plaintiffs' Complaint. The parties agree that an evidentiary hearing on Plaintiffs' claims for injunctive relief is not necessary and that approval and entry of the Consent Permanent Injunction Order is within the Court's authority.

Accordingly, for the foregoing reasons, the Plaintiffs and Defendants respectfully request that this Court approve the terms of and enter the accompanying Consent Permanent Injunction Order.

Respectfully submitted,

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Shaker Heights Taxpayers Union Logo